

RESPONSE TO RESTRICTION REQUIREMENT
U.S.S.N. 10/517,264

Remarks

The present invention is directed to methods of treating a human with Alzheimer's disease. Claims 24, 25 and 31-40 have been cancelled. Claims 1-23, and 26-30 are currently pending.

Restriction Requirement

In the Restriction Requirement dated May 5, 2008, The Examiner has required election to one of the following groups of claims for examination.

- I) Claims 24, 25, 39 and 40 (in part) drawn to a compound and composition of formula (III), wherein X is O, R102 is CO₂R105, R103 is hydrogen, R107 is hydrogen, classified in various subclasses of class 548, i.e. 548/240.
- II) Claims 24, 25, 39 and 40 (in part) drawn to a compound and composition of formula (III), wherein X is NH, R102 is CO₂R105, R103 is hydrogen, R107 is hydrogen, classified in various subclasses of class 548, i.e. 548/356.1.
- III) Claims 24, 25, 39 and 40 (in part) drawn to a compound of formula (III), wherein X, R102, R103, R107, etc...is another moiety, classified in various subclasses of classes 540, 544, 546, 548, 549, 568, etc...
- IV) Claims 1-23 and 26-30 drawn to a method of treating a patient using a compound of formula (I). If this group is elected, applicants are requested to elect a single species for search purposes.

In response to the Restriction Requirement, Applicant elects Group IV (Claims 1-23 and 26-30) directed to a method of treating a patient using a compound of formula (I) without

RESPONSE TO RESTRICTION REQUIREMENT
U.S.S.N. 10/517,264

traverse. The Applicant reserves the right to file divisional applications to the remaining non-elected groups listed above.

Election of Species Requirement

Upon election of Group IV, the Examiner also requires Applicants to select a single disclosed species of a single compound including an exact definition of each substitution on the base molecule (Formula (III)), wherein a single member of each substituent group or moiety is selected.

Applicants elect the species of benzimidazole-2-one-5-n-pentanoate, for search purposes only, with the understanding that if a generic claim is found free of prior art, the remaining species will be searched. The elected compound falls within the scope of formula I when X is NH, Z is C=O, Y is NH, R₁ is H, R₂ is C(O)O(CH₂)₄CH₃, R₃ is H and R₄ is H and is specifically recited in claim 18. Of the claims in group IV, claims 1-23 and 26-30 are generic to benzimidazole-2-one-5-n-pentanoate.

Upon election of Group IV, the Examiner also requires Applicants to select a single disclosed species of condition.

Applicants elect the species of rheumatoid arthritis, for search purposes only, with the understanding that if a generic claim is found free of prior art, the remaining species will be searched. The elected condition is specifically recited in claim 22. Of the claims in group IV, claims 1-23 and 26-30 are generic to rheumatoid arthritis.

RESPONSE TO RESTRICTION REQUIREMENT
U.S.S.N. 10/517,264

Conclusions

Applicants submit that the response herein provides a complete response to the Restriction Requirement dated May 5, 2008.

If the Examiner believes there are other issues that may be resolved by telephone interview, or that there are any informalities remaining in the application that may be corrected by Examiner's Amendment, a telephone call to the undersigned is respectfully solicited.

No additional fees are believed due, however the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment of fees to Deposit Account number 11-0980.

Respectfully submitted,

/Stephen C. MacDonald, Ph.D./

Stephen C. MacDonald, Ph.D.
Reg. No. 60,401

Date: October 2, 2008

King & Spalding LLP
1180 Peachtree Street
Atlanta, Georgia 30309-3521
404-572-2715 (telephone)
404-572-5135 (facsimile)